

REMARKS

By this amendment, claims 1-43, 45-97, and 99-113 are pending, in which no claim is canceled, withdrawn from consideration, currently amended, or newly presented. No new matter is introduced.

The final Office Action mailed December 15, 2004 rejected claims 1-28, 45-46, 50-83, 99-100, and 104-113 under 35 U.S.C. § 102 as anticipated by *Brandt et al.* (US 6,377,993), claims 1-3, 5-7, 9, 11-15, 58-60, 62-64, 67-71, 112 and 113 as obvious under 35 U.S.C. § 103 based on *Hind et al.* (US 5,987,523), *Riggins et al.* (US 6,131,116) and *Radia et al.* (US 5,848,233), claims 4 and 61 as obvious under 35 U.S.C. § 103 based on *Hind et al.* in view of *Carroll* (US 6,105,131), claims 8 and 65 as obvious under 35 U.S.C. § 103 based on *Hind*, *Riggins*, and *Radia et al.* in view of *Chung et al.* (US 6,012,090), claims 10 and 66 as obvious under 35 U.S.C. § 103 based on *Hind*, *Riggins*, and *Radia et al.* in view of *Montulli* (US 5,774,670) and *Harrison et al.* (US 5, 208,908), claims 16-19 and 72-75 as obvious under 35 U.S.C. § 103 based on *Hind*, *Riggins*, and *Radia et al.* in view of *Peterson et al.* (US 2001/0003828), claims 20-24 and 76-79 as obvious under 35 U.S.C. § 103 based on *Hind*, *Riggins*, *Radia et al.*, *Peterson et al.* and in view of *Elliott et al.* (US 5,610,915), claims 50-55, and 104-109 as obvious under 35 U.S.C. § 103 based on *Hind*, *Riggins*, *Radia et al.* in view of *Montulli*, and claims 52, 54-55, 106, and 108-109 as obvious under 35 U.S.C. § 103 based on *Hind*, *Riggins*, *Radia et al.* and *Montulli* in view of *Cianfrocca et al.* (US 6,088,796).

Applicants appreciate the indication that claims 29-43, 47-49, 84-97, and 101-103 are allowable if rewritten in independent form.

As an initial matter, Applicants note that the Final Office Action (p. 3, item 5) appears to have inadvertently misstated the rejection as being “under 35 U.S.C. 102(e)” instead of “under 35 U.S.C. 103(a)” based on *Hind et al.*, *Riggins et al.*, and *Radia et al.*

With respect to the rejection of claims 1-28, 45-46, 50-83, 99-100, and 104-113 over *Brandt et al.*, Applicants filed a Petition under 37 CFR 1.183, at the suggestion of the Office of Petitions, and a Renewed Petition under 37 CFR 1.48(a) concurrently on Aug. 9, 2004 (decisions are pending) to correct inventorship of the present application and the provisional patent application No. 60/060,655 filed on September 26, 1997. Consequently, a common inventor exists between the applications.

In addition, Applicants filed a Petition under 37 CFR 1.48(d) on Feb. 23, 2005 to add inventors who were inadvertently omitted (e.g., B. Reilly Barry) to the provisional application No. 60/060,655. This also would result in having at least one common inventor with the present application.

Therefore, the present application is now entitled to receive the benefit of the earlier filing date of the provisional patent application No. 60/060,655, and the rejection of claims 1-28, 45-46, 50-83, 99-100, and 104-113 over *Brandt et al.* is moot.

The present application's perfected claim to the benefit of provisional patent application No. 60/060,655 (September 26, 1997) also renders moot the rejection of claims 16-19 and 72-75 over *Peterson et al.*, since *Peterson et al.*, which has a filing date of October 28, 1997, is no longer available as reference under 35 U.S.C. § 102(e).

Regarding the rejections of claims 1-24, 50-55, 58-79, 104-109, 112 and 113 over *Hind* individually or in combination with one or more of *Riggins et al.*, *Radia et al.*, *Carroll*, *Chung et al.*, *Montulli*, *Harrison et al.*, *Elliott et al.* and/or *Cianfrocca et al.*, Applicants maintain that the even the several combinations fail to teach the claimed features. For convenience, the arguments are reiterated herein. It is not understood why such arguments have not been address by the Examiner in the Final Office Action, whereby the Examiner conveniently asserts, on page 4, item 14, "the argument not persuasive."

Independent claim 1 recites “wherein upon successful authentication of said customer, the logon object is configured to send a command to the authentication server to initiate a download of said one or more client applications.” This feature is not shown in the applied references. In the rejection of claims 6 and 63, the Office Action admits that “Hind-Riggins does not explicitly [show that] the system comprises a logon object” (p. 12), yet contends that *Radia* (col. 8:30-67) has an applet function, “which is equivalent [to] the claimed logon object and inherent in the use of the logon object to create …” etc. (p. 12). However, *Radia* does not teach or suggest a logon object that, upon successful authentication of said customer, sends a command to initiate a download of a client application; rather, *Radia et al.* in the cited column merely states that its login applet selects one of the filtering rules **404** for selectively forwarding IP packets to a particular address **502**. The recited feature is not inherent in *Radia et al.* disclosure, since, under the principles of inherency, *Radia et al.* must necessarily function in accordance with, or include, the recited features, *MEHL/Biophile Int'l.*, 52 USPQ2d 1303 (Fed. Cir. 1999), and this is not the case for *Radia et al.*'s selective packet filtering. The Office Action did not rely on any of the other applied references for this feature, and properly so.

As for independent claims 53 and 112-113, *Radia et al.*'s selective packet filtering fails to teach or suggest the logon object recited in claims 53 and 112-113 to send a command to initiate a download of a client application.

Dependent claims 2-15, 50-52, 5455, 58-71, 104-109 are allowable for at least the same reasons as their independent claims. Moreover, claims 4 and 61 are further patentable because the applied references fail to teach the features recited in these claims, such as “digital certificates to authenticate a secure web server to said client browser.” The only reference applied for this feature is *Carroll*, but *Carroll* merely discloses use of a digital certification to authenticate the

user (e.g., col. 8:7:29-30), not a “secure web server” as recited in claims 4 and 61. The Final Office Action offers no rebuttable to this argument.

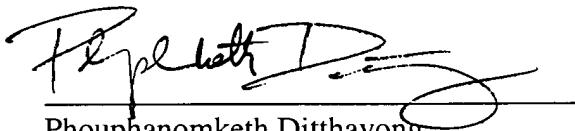
Also Applicants maintain the traversal of the invocation of Office Notice in the rejection of claims 16-19 and 72-75. The MPEP § 2144.03 that “[i]f application adequately traverses the examiner’s assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained.” For this reason, *Spielman* (US 5,088,052) and *Brady* (US 5,557,668) were submitted in the Office Action to support the invocation of Official Notice, but these submitted references at best merely provide such support that is limited to the extent of their disclosures. Since the Official Notice is still being maintained and these references were not actually applied in the rejection of the claims, these references clearly do not support the full extent of the Official Notice and therefore do not satisfy the obligation to provide the necessary documentary evidence. The Final Office Action fails to address this point.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.

3/15/05  
Date



Phouphanomketh Ditthavong  
Attorney/Agent for Applicant(s)  
Reg. No. 44658

10507 Braddock Road  
Suite A  
Fairfax, VA 22032  
Tel. (703) 425-8508  
Fax. (703) 425-8518